

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**NOTICE OF VOLUNTARY
DISMISSAL OF ACTION WITH
PREJUDICE AS TO THE NAMED
PLAINTIFF AND WITHOUT
PREJUDICE AS TO THE
PUTATIVE CLASS**

Defendant.

Notice of Voluntary Dismissal- 1

1 The notice and approval requirements of Federal Rule of Civil Procedure
2 23(e)¹ are inapplicable to the parties' settlement and dismissal of this putative
3 class action because this action has not been certified as a class. Regardless, there
4 is no prejudice to the absent class members because (i) it is highly unlikely that
5 there has been any reliance by putative class members on the filing of this class
6 action to vindicate their rights; (ii) putative class members' claims will not be
7 prejudiced by lack of adequate time to file other actions due to the tolling of the
8 absent class members' claims; (iii) there have been no concessions, impairments
9 or other actions taken by the Parties' counsel that would prejudice the class'
10 claims; and (iv) the putative class members are being dismissed without
11 prejudice.

12 The Parties agree that this Court can proceed to dismiss this Action entirely
13 with prejudice as to the Named Plaintiff and without prejudice as to the Putative
14 Class.

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16 Respectfully submitted this 1st day of May, 2015

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18 By: s/Todd M. Friedman, Esq.
19 TODD M. FRIEDMAN
20 Attorney for Plaintiffs
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28 ¹ Federal Rule of Civil Procedure 23(e) states "[t]he claims, issues or defenses of a certified class may be settled, voluntarily dismissed, or compromised only with the Court's approval.

1 Filed electronically on this 1st day of May, with:

2 United States District Court CM/ECF system

3 Notification sent electronically via the Court's ECF system to:

4
5 Honorable Judge Nathanael M. Cousins
6 United States District Court
7 Northern District of California

8 And served via mail to:

9 Lloyd D. Dix
10 DIX & ASSOCIATES APLC
11 22287 Mulholland Hwy PMB 414
12 Calabasas, CA 91302

13 s/Todd M. Friedman, Esq.
14 TODD M. FRIEDMAN